

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	CRIMINAL NO. 04-40027-FDS
v.)	
)	
ROBERT A. FAFARD)	
)	
)	
Defendant.)	
)	

JOINT MEMORANDUM PURSUANT TO LOCAL RULE 116.5

The United States of America and the Defendant Robert A. Fafard, by his counsel, Alan Black, Esq., hereby submit this joint memorandum to advise the Court that an initial status conference, now scheduled for January 26, 2004, is not necessary, and ask the Court to concur, pursuant to Local Rule 116.5(A).

Status of the Case

The government has provided Defendant's counsel with discovery in this case in accordance with Fed. R. Crim. P. 16 and Local Rule 116.1. Defendant's counsel needs a meaningful opportunity to review the discovery with Defendant.

In addition, review of discovery and discussions between the parties in light of the discovery will allow the parties to address the issues set forth in Local Rule 116.5.

Finally, Defendant requires an opportunity to review the contraband seized in this case, including photographs.

Accordingly, the parties request that an interim status conference be re-scheduled in early March 2005. This period will

allow Defendant to complete a review of discovery, review the seized evidence, make additional discovery requests, if necessary, and allow the parties to confer regarding the issues set forth in Local Rule 116.5.

Local Rule 116.5(A)(5)

The parties agree that the period from December 29, 2004, the date on which excludable time expired pursuant to the Court's December 15, 2004 order, until the date of the interim status conference in early March 2005, as requested herein, is excludable. The parties ask the Court to so find, based upon the parties use of the period of the continuance to review discovery and confer, and a finding by the Court that a continuance for these purposes serves the ends of justice and outweighs the best interest of the public and the defendant in a speedy trial, pursuant to 18 U.S.C. § 3161(h)(8)(A).

Respectfully submitted,

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UNITED STATES ATTORNEY

By: /s/ David Hennessy
David Hennessy
Assistant U.S. Attorney

ROBERT A. FAFARD

By: /s/ Alan Black
Alan Black, Esq.